PENSION POINTERS.

Inquiries Answered and Suggestions

Subscriber, Rockford, Ill.-If the amputation is below the knee, the rate of pension allowed is only \$40 per month, regardless of whether or not the pensioner can wear an artificial limb.

I. G.—There has been no amendatory nactment with reference to the act of March 3, 1899, authorizing the division of the pensions of invalid pensioners who are inmates of State or National Homes or have deserted their wives or children. There is no hard and fast rule as to what constitutes "necessitous circumstances" of the wife of the pensioner. Each case is settled according to the particular cir-cumstances. The age, health and mental equipment of the wife are considered, also the number of children. The decisions published, all of which have appeared in the columns of The National Tribune from time to time, indicate that the requirements are more strict than those under the act of June 27, 1890, as amended by the act of May 9, 1900. The wife must be in actual necessitous circumstances.

Subscriber, Cleveland, Ohio.—None of the general law rates of invalid pension can be allowed for any disability or condition that is not due wholly to the service and line of duty, either directly or indirectly. Thus a pensioner drawing pension for disability in one arm due to his service, can not get an increase because his other arm has become disabled, unless it can be shown that the disability of the other arm is due to his pensioned dis-

ability.

J. A. W., Amsterdam, N. Y.—The general law rate of invalid pension for disability equivalent in degree to the loss of a hand or foot was increased to \$15 (from \$8) from June 6, 1866; to \$18 from June 4, 1872, and to \$24 from March 3, 1883, which rate continues for this degree of disability to the present time. If you did ability to the present time. If you did not receive the rates allowed for this degree of disability during the entire period of your pension, it is probably because the Pension Bureau did not consider that your condition reached this degree of disablement until 1885, when you were granted

\$24 per month. A. W., Guin, Mo.—Soldiers of the regular army are entitled to pension under the general law for disability incurred in service and line of duty since the close of the war of the rebellion. For headstones with which to mark the graves of deceased soldiers, apply to the "Quartermaster-General U. S. A., Washington, D. C." For information relative to State Bounty thought to be due on account of war of the rebellion service, apply to the Audi-tor of the State, addressing him by official

title at the State Capital.

J. R. Brandon, Vt.—An ex-regular, who Is out of the service, is not subject to trial for fraudulent enlistment. If it had been discovered during his service that he was actually over age when he enlisted, he probably would have been discharged without honor for having enlisted under false pretences. Having, however, served out his time and received a discharge, no question can arise as to how old he actually was when he entered the service. He is

curred in service and line of duty.

R. F. B., Mt. Gilead, Ohio.—It is held
by decision rendered by the Secretary of
the Interior, April 15, 1908, that the provision of the act of March 3, 1901 (relative vision of the act of March 3, 1301 (relative to the restoration of the pension of certain remarried widows), that the law should not apply to any widow already in receipt of pension, is simply another form of the general provision of the pension have that a pensioner can bot receive the full benefit of two separate and distinct pensions covering the same period of

G. L., Dixon, Ill.—To entitle to general law pension, that is, for disability incurred in service and line of duty, it does not matter how long or how short the sol-dier's service was. But to obtain pen-sion under the act of June 27, 1890, it must appear of record that the soldier served at least ninety days during the period of the war of the rebellion. I. S., Battle Creek, Iowa .- The rate of \$37.50 provided by act of March 3, 1879. applied only to cases of amputation of the leg "at the hip joint." As your case did not fall within this description you were

denied the rate. The acts of 1886 and 1903 are broader in their terms.

Mrs. M. J. C., Conway Springs, Kans.—
The bounty act of July 20, 1888, applies only to those three-year volunteers who enlisted before July 22, 1861. Your husband did not called rate! 1862 band did not enlist until 1862. The act of March 3, 1901, does not provide any increase of widows' pension under the act

D. B. B.—There was no U. S. bounty offered or allowed for enlistments in the navy in the war of the rebellion previous

Mrs. C. F. B., Dallas, Texas.—There is no U. S. law protecting pension checks (that is, pension money) after the check has reached the pensioner and been c shed or deposited in bank.

R.—Even if your pension claim has been adversely decided on appeal, you are privileged to file additional evidence or supplemental affidavits from those who have heretofore testified, and if the Pension Burgan still adheres to its former sion Bureau still adheres to its former view, you can file a motion for reconsideration with the Secretary of the Interior. Or, if the facts and evidence justify, you can file a motion for reconsideration without first filing any additional evidence. For disease of a progressive nature it would be very difficult to secure a rerat-

W. O., Philadelphia.-If you did not receive the additional bounty allowed by act of July 28, 1866, your claim is now barred as the law expired by limitation on July 1, 1880. As you received \$100 original bounty under the act of July 22, 1861, you

are not entitled to any bounty under the act of July 20, 1888.

A. K., Storm Lake, Iowa.—If a person gave a false affidavit in a pension claim, damaging to the claimant, he doubtless would be subject to civil suit for damages, and probably could be prosecuted for per-

jury.

J. M. M., Metropolis, Ill.—If pensioned for disability such as total disability of both hands, and the pensioner has not received the rate allowable for such disability during his entire pensioned period, of course, he can get his pension rerated, W. Z. P., Wickersham, Wash.—The rates of invalid pension for inguinal hernia. W. Z. P., Wickersham, Wash.—The rates of invalid pension for inguinal hernia under the general law are not fixed by statute but by ruling of the Pension Bureau. The following are the rates: Double inguinal hernia, both complete, \$14; double inguinal hernia, one complete and one incomplete, \$12; double inguinal hernia, incomplete, \$8; single inguinal hernia, incomplete, \$10; single inguinal hernia, incomplete, \$6. Under the act of June 27, 1890, a rating of \$6 is allowed for a single hernia and \$8 for double hernia.

I. G. S., Lansing, Mich.—The act of July 14, 1892, was not a "rerating" law. It provides a rate of \$50 for those so disabled as to require the "frequent and periodical" aid and attendance of another person.

S. S. B., Wilmington, N. C.—The widow of a soldier who covered during the Secondary and secondary and

of a soldier who served during the Spanish War is not entitled to a pension un-less the death of the soldier was due to J. C. D., Neosho, Mo.—The children who were under 16 years of age at the time of the soldier's death are now entitled to a pension from the date of his death until they attain the age of 16 years, provided the death of the soldier was due to some cause incident to his

military service. A. W. P., Brimfield, Mass.-A soldier of the war of 1861-5 can not secure a pension dating prior to the filing of his ap-plication in the Persion Bureau unless his

mence from the date of the soldier's discharge from the army.

S. A. J., Bucyrus, Ohio.—A mother whose son lost his life during his army service is entitled to a pension if she is now without other means of support than her own labor or the contributions of others not legally bound for her support. If she has an income, per year, of less than \$250 it will be held that she is in dependent circumstances within the meaning of the law. the law.

DEPARTMENT NEWS.

MARRIAGE AND DIVORCE-DECREE OF

NULLITY. In the claim of the widow of Easman Rumsey for restoration of her general law pension, which had ceased by reason of her remarriage, the Pension Bureau held that the facts shown in evidence did not warrant the assumption that the claimant's remarriage was void or invalid, and that therefore the Bureau was not bound by the decree of annulment of said remarriage "obtained by claimant for the manifest purpose of securing pension." The deci-sion on the appeal from this holding says (Assistant Secretary Miller, January 15, 1904):

"It is observed, although it is not entire ly germane to the issue which is to be de-cided by the Department, that the plain-tiff in this case made full proof that her husband was insane, non compos mentis, and absolutely incapable of entering into a marriage contract at the date on which he married claimant. She had some reasonable grounds for suspicion that he was insane, but the husband's family prevailed upon her to run the risk of his making an entire recovery. Within a very short time after the marriage he exhibited continued signs of insanity, and his condition grew gradually worse until, 11 years after the marriage, he was sent to the Insane Asylum. She cared for him all of this time, and conducted herself as a true wife should, and did not give him up until his case appeared to be hopeless. So far as the facts in this case go, the Department is thoroughly of the opinion that Holly was insane at the date of his marriage with claimant, and had been for years prior

"All this, however, is somewhat wide of the mark; for the Supreme Court of New York passed upon this phase of the case, and it only remains to decide as to whether or not the Department will accept the decree of nullity as conclusive. It was held, in the opinion in the case of Melissa Boyd (No. 74, Vol. 14, P. D.), that a decree of divorce, valid in the State in which it was divorce, valid in the State in which it was rendered, would be accepted by this Department as conclusive; although it reserves for itself the right to inquire into any indication of fraud practiced by either party to the decree, for the purpose of affecting the pensionable rights of any person. And what is true regarding a decree of divorce, as has just been stated, is equally true of a decree of nullity, which bears a strong recomblence in its basic private a strong resemblance, in its basic princi-ples, to a divorce decree; though in one respect the decree of nullity is far more reaching in its effect than a decree of divorce; for a decree of nullity restores

affect, in many instances, past acts.
"The evidence in the case under consideration fails to disclose the slightest indicia of fraud on either party to the decree of nullity. There is no ground for assuming the claimant applied for a decree of nullity solely for the purpose of obtaining a pen-sion; but if she did, she had full right to do so, and was clearly within her legal prerogatives. Is fraud against this Gov ernment to be presumed because one attempts to establish a status whereby he or, she may receive a pension? The proposition is too unsound to merit discussion. There may be very good reason why this claimant, or any other claimant, who was catified to decree of pullity would never attempt to obtain such a decree unless she could obtain some pecuniary benefit there-by. Individuals are not bound to assert all the rights they have, under the law, until such time as they see fit to do so; and their actions, in such respect, are usually governed by the circumstances surround-

"It is difficult to see how the Bureau arrived at the conclusion it did; for, as the facts in this case show, there is an utter absence of even indicia of fraud on the part of the claimant, and the holding in the Gembe case, if it is of any value in the present case, practically overthrows the conclusion of the Bureau on the issue involved, fraud being entirely absent.

"It is not a matter of the slightest moment officially to any branch of this Department on to any person connected there. partment, or to any person connected there with, whether or not a claim is rejected or admitted. The law applicable is to be administered as it is found, and a claim shall stand or fall according as the law to be applied to each particular case de-mands. A valid decree of nullity or a valid decree of divorce is as legally binding and conclusive as is a valid marriage, and is entitled to an equal degree of respect. If by virtue of a valid decree of nullity one establishes a pensionable status, that status is just as unassailable and legal as it would have been had the annulled marriage never taken place. This Department has no warrant, in pension claims and in the absence of fraud against the Government, to question the soundness of the judgment of a court of competent jurisdiction as to a question of fact, said judgment being a part of the evidence in such claim. "The evidence in this case shows a decree of nullity granted by a court of prop-

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application was filed prior to July 1, 1880, in which event the pension would commence from the date of the soldier's discharge from the army.

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WANTED—Addresses of Charles W. Darling and Serg't Sam Smith, both of Co. H, 66th Ohio; by R. J. Deyore, Commander, Rosecrans Post, 78, Tonk-awa, Okiz.

WANTED—To find the whereabouts of any of the family of Hyram and Polly Loveali; moved from Johnson County, Mo., to California in 1887. James Loveall, Kendrick, Okla.

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THE CELEBRATED ANCONA—BEAUTY AND business breed. Great Winter layers; outlay any hen. The pullets commence laying at four or five months of age. People are finding out the fact that if they want eggs they must have Anconas. Pairs, \$5 and hey want eggs they must have Anconas. Pairs, \$5 and 7; trios, \$7 and \$10; 15 eggs, \$1; 30, \$2; 50, \$3; 108, \$6. Atalogue free. O. S. Evans, Roxbury, Ohio.

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Library costing \$35,000. It has one automobile factory
employing 800 men, and several smaller ones, all of
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Lausing is the center for the manufacture of automobiles and gasoline engines. The city is beautifully located at the confluence of the Grand and Cedar Rivers,
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IF YOU ARE WISE, AND DESIRE TO BUY
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everything from an antomobile to a keg'of cucumber
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uniting near the south part of the city and flowing north
through the central portion, which gives the city a fine
sewerage.

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Twenty acres inside of city limits. Michigan Central Railroad runs along the west side, 60 rods; Grand Trunk Western with its double track runs along the north line; the Cedar River along the east border. Splendid factory site.

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Two fine residence lots in Salt Lake City, Utah, which has a population of over 50,000, and is a railroad center for all of the States west of the Rocky Mountains.

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